

## REMARKS

In the Office Action, the Examiner rejected claims 6-11, 18-20, 23 and 24 under 35 U.S.C. §103(a) as being anticipated by Adobe. Applicants have not amended, added or canceled any claim. Accordingly, claims 1-5, 12-17 and 22 will be pending after entry of this Amendment.

### **I. Pending Claims**

In the Office Action, dated 01/26/05, the Examiner issued a restriction requirement. Specifically, the Examiner stated that claims 1-5, 12-17 and 22 (Invention I), claims 6-8, 18-20 and 23 (Invention II) and claims 9-11 and 24 (Invention III) are independent and distinct inventions. *See attached copy of Office Action.* In the subsequent response dated 02/28/05, Applicants elected claims 1-5, 12-17 and 22 (Invention I) and canceled claims 6-8, 9-11, 18-20, 23 and 24. *See attached copy of response.* Therefore, only claims 1-5, 12-17 and 22 remain pending in the present application.

Applicants note that in the present Office Action, the Examiner has withdrawn from consideration claims 1-5, 12-17 and 22 and instead rejected canceled claims 6-8, 9-11, 18-20, 23 and 24. Applicants respectfully submit that the Examiner's arguments are moot, as set forth in the present Office Action, since they only pertain to the canceled claims. Accordingly, Applicants respectfully request that the Examiner formally consider the elected claims, namely claims 1-5, 12-17 and 22, and the arguments set forth in the response dated 09/07/04.

## CONCLUSION

In view of the foregoing, it is submitted that the claims, namely claims 1-5, 12-17 and 22, are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance is earnestly solicited at the earliest possible date.

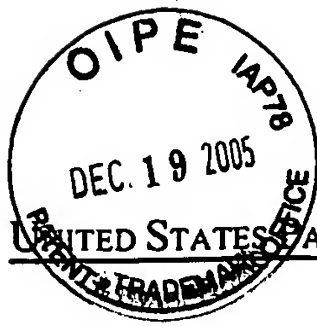
Respectfully submitted,

STATTLER, JOHANSEN & ADELI LLP

Dated: 12/12/05

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,383	12/03/2001	Eric Graves	APLE.P0015	6999
23349	7590	01/26/2005	EXAMINER	
STATTLER JOHANSEN & ADELI			BHATNAGAR, ANAND P	
P O BOX 51860			ART UNIT	
PALO ALTO, CA 94303			PAPER NUMBER	
			2623	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.	Applicant(s)	
10/005,383	GRAVES ET AL.	
Examiner	Art Unit	
Anand Bhatnagar	2623	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-24 is/are pending in the application:
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-20 and 22-24 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's amendment filed on 09/13/04 has been entered and made of record.
2. After further analysis of the claims, examiner believes that a restriction exists and has given a restriction on the claims. Examiner refers to the restriction below. The arguments made by applicant's representative will be addressed after an election of a group.

### ***Election/Restrictions***

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-5, 12, 13-17, and 22, are drawn to modifying the color of an image, classified in class 382, subclass 167.
  - II. Claims 6-8, 18-20, and 23, are drawn to modifying and mapping the luminance of images, classified in class 382, subclass 274.
  - III. Claims 9-11 and 24, drawn to modifying and mapping the chrominance of images, classified in class 386, subclass 44

Inventions I and II are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the

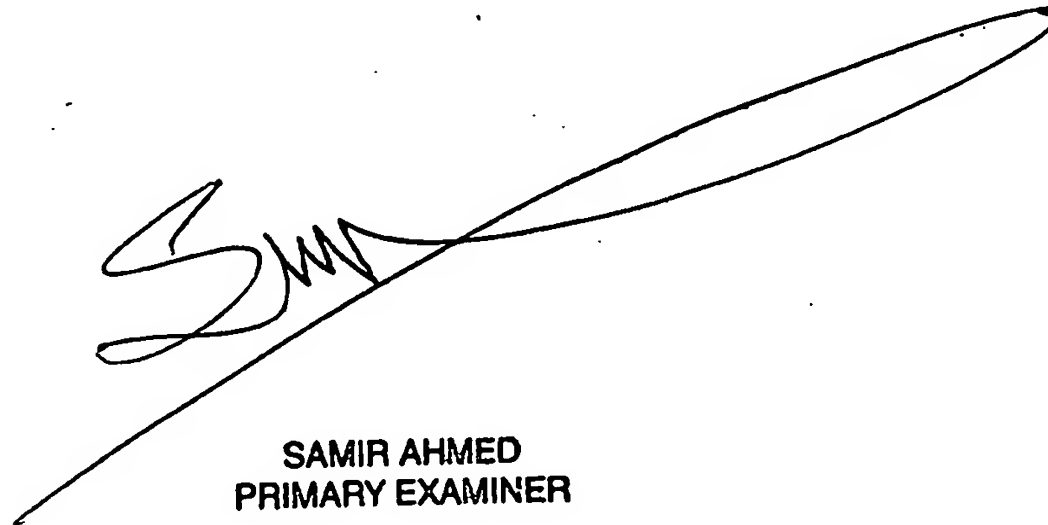
combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the changing and mapping of the luminance is not needed for performing color modification. The subcombination has separate utility such as adjusting the contrast of a monitor and/or television.

Inventions I and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because changing and mapping of the chrominance is not needed to perform color modification. The subcombination has separate utility such as adjusting the colors of a monitor.

Because these inventions are distinct for the reasons given above and the search required for Groups II and III are not required for Group I, restriction for examination purposes as indicated is proper.

**Contact Information**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Bhatnagar whose telephone number is (703) 306-5914, whose supervisor is Amelia Au whose number is 703-308-6604, group fax is 703-872-9306, and Tech center 2600 customer service office number is 703-306-0377.



**SAMIR AHMED  
PRIMARY EXAMINER**



Anand Bhatnagar

Art Unit 2623

January 21, 2005



CFW  
2623

Apple Docket: P2712US1  
Attney Docket: APLE.P0015

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 28, 2005.

  
Andy T. Pho

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application for:

Eric Graves

Serial No.: 10/005,383

Filing Date: 12/03/2001

For: METHOD AND APPARATUS FOR  
COLOR CORRECTION

Examiner: Bhatnagar, Anand P

Group Art Unit:2623

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated 01/26/2005 containing a restriction requirement, the applicant elects to proceed with claim group "I" without traverse. Please cancel unelected claims 6-8, 9-11, 18-20, 23 and 24.

In the unlikely event that the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including an extension of time and authorizes the Assistant Commissioner to charge the cost of such petitions



and/or other fees due in connection with the filing of this document to Deposit Account No. **50-1128** referencing APLE.P0015. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.


**CONCLUSION**

The Applicants respectfully request that the Examiner examine the elected claims at the earliest possible date.

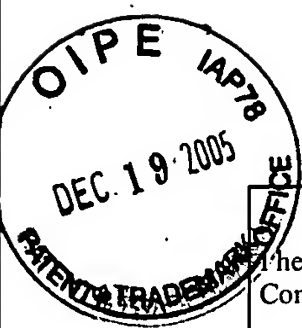
Respectfully submitted,

STATTLER, JOHANSEN & ADELI LLP

Dated: February 28, 2005

  
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*Ali Makoui*  
Ali Makoui

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application for:

Eric Graves, et al.

Serial No.: 10/005,383

Filing Date: 12/03/2001

For: METHOD AND APPARATUS  
FOR COLOR CORRECTION

Examiner: Anand P. Bhatnagar

Group Art Unit: 2623

**PETITION FOR EXTENSION OF TIME**  
**37 C.F.R. § 1.136(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Examiner:

Applicants petition the Commissioner for Patents under 37 C.F.R. § 1.136(a), to extend the time for response to the Office action dated 08/10/2005. This extension will extend the time the response is due from 11/10/2005 to 12/12/2005 (12/10/2005 being a Saturday).

- ☒ A one month extension to 12/12/2005 is requested; the extension fee is \$120.00.
- ☒ A credit card payment form referencing docket no. APLE.P0015 is attached.

12/20/2005 TBESHAH1 00000009 10005383

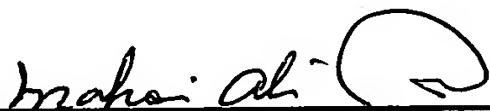
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The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this petition, or to credit any overpayment to Deposit Account No. 50 1128 referencing docket no. APLE.P0015.

Respectfully submitted,

Dated: December 12, 2005

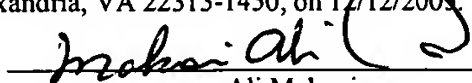
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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 12/12/2005.

  
Ali Makoui

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application for:

Eric Graves, et al.

Serial No.: 10/005,383

Filing Date: 12/03/2001

For: METHOD AND APPARATUS  
FOR COLOR CORRECTION

Examiner: Anand P. Bhatnagar

Group Art Unit: 2623

**TRANSMITTAL LETTER FOR RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Examiner:

In complete response to the Office Action dated 08/10/05, attached please find:

1. A Petition for Extension of Time;
2. Response to Office Action;
3. Copy of Office Action dated 01/26/05;
4. Copy of Response filed 02/28/05;
5. A Return Receipt Post Card; and
6. A Credit Card Payment Form.

The fee has been calculated as follows:

FOR	NUMBER	NUMBER OVER ALLOTMENT	RATE	CALCULATIONS
ADDED CLAIMS	0		\$50.00	\$0.00
ADDED INDEPENDENT CLAIMS	0	0	\$200.00	\$0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$300.00	\$0.00
<u>1</u> MONTHS PETITION FOR EXTENSION FOR REPLY :				\$120.00
				\$0.00
Reduction by 1/2 for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28). The Applicant hereby states that it qualifies as a small entity under 37 CFR 1.27				\$0.00
				<b>TOTAL = \$120.00</b>

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The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to Deposit Account No. 50-1128.

Respectfully submitted,

Dated: 12/12/2005

By: \_\_\_\_\_

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Registration No. 45,536

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